

Mohollen, Laura

From: Mohollen, Laura
Sent: Tuesday, March 05, 2013 1:25 PM
To: Boone, Jamie
Subject: RE: 219 will affect letter
Attachments: PN 12-10A - PA 219.pdf

Here is the enclosure. Thanks.

Laura A. Mohollen
Pennsylvania State and Congressional Liaison US Environmental Protection Agency- Region 3
1650 Arch St (3CR00)
Philadelphia, PA 19103

p-215-814-3295
f-215-814-5102

-----Original Message-----

From: Mohollen, Laura
Sent: Tuesday, March 05, 2013 11:09 AM
To: 'Boone, Jamie'
Subject: RE: 219 will affect letter

Here is a copy of the letter- the pdf of the enclosure is being scanned into the system. I will send it as well as soon as I receive it. Thanks.

Laura A. Mohollen
Pennsylvania State and Congressional Liaison US Environmental Protection Agency- Region 3
1650 Arch St (3CR00)
Philadelphia, PA 19103

p-215-814-3295
f-215-814-5102

-----Original Message-----

From: Boone, Jamie [mailto:Jamie.Boone@mail.house.gov]
Sent: Tuesday, March 05, 2013 10:24 AM
To: Mohollen, Laura
Subject: 219 will affect letter

Laura,
Please send me a copy of the letter on rt 219.
Thanks, Jamie



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 04 2013

Colonel Bernard R. Lindstrom
District Engineer
U.S. Army Corps of Engineers
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222-4186

Dear Colonel Lindstrom:

On February 7, 2013, the U.S. Environmental Protection Agency (EPA) provided comments in response to Public Notice No. 12-10A issued for Pennsylvania Department of Transportation's (PADOT's) proposed US 219 Improvement Project SR 6219, Section 020 Meyersdale to Somerset, located in Somerset County, Pennsylvania. Our letter referenced Part IV, paragraph 3(a), of the 1992 Clean Water Act (CWA) Section 404(q) Memorandum of Agreement (MOA) between EPA and the Department of the Army. EPA's comments of February 7, 2013 are incorporated herein by reference (copy enclosed).

The project includes the construction and operation of a new 11-mile, four-lane, limited access roadway extending from the northern end of the Meyersdale Bypass of US 219 to the southern end of the existing four-lane limited access US 219 south of Somerset. Minor realignments, roadway rehabilitation, and new interchanges are also part of this project. The proposed activities will impact a reported federally jurisdictional total stream length of 17,549 linear feet. Temporary impacts to federally jurisdictional streams are 369 linear feet. The proposed project would permanently impact 17.12 acres and temporarily impact 1.76 acres of federally regulated wetlands. In addition, the project will require the disposal of approximately five million cubic yards of excess spoil as a result of construction and excavation activities for the project. These impacts are located in vital headwater aquatic resources within the Casselman River watershed.

The comments and concerns expressed in EPA's February 7, 2013 letter were based on the Public Notice issued January 8, 2013 and supplemental documentation including the permit application, associated attachments, and maps provided by the applicant as of January 28, 2013. We subsequently reviewed the information received from PADOT after that time including: compensatory mitigation information received on January 31, 2013, the Fish and Wildlife Service's Biological Opinion received on February 1, 2013, updated stream resource data received on February 1, 2013, the Indirect and Cumulative Impacts Analysis received on February 11, 2013, and the Final Environmental Impact Statement Reevaluation received



on February 21, 2013. However, these materials have not sufficiently addressed the concerns stated in our February 7, 2012 comment letter or articulated in our previous comment letters of April 12, 2012 and August 27, 2012, or comments provided on September 27, 2012.

EPA previously provided comments in response to the original Public Notice on April 12, 2012, follow up comments on August 27, 2012 and comments specific to the compensatory mitigation plan (CMP) on September 27, 2012. These comments all expressed significant concerns with the project as proposed, which to date, remain. EPA's February 7, 2013 letter again expressed concerns regarding the potentially significant environmental impacts, inadequate characterization of the resources which will be directly and indirectly impacted, lack of sufficient secondary and cumulative impacts analysis, a failure to fully identify and consider practicable alternatives, a failure to demonstrate that impacts have been fully avoided and minimized, concerns regarding potential water quality degradation, and the adequacy of the CMP to ensure the replacement of lost stream and wetland functions. Of particular concern are several areas of significant impact, including the location and configuration of the Southern Interchange, the lack of functional replacement of aquatic resources and watershed benefit provided by the CMP, and the failure to identify cumulative impacts from proposed excess fill disposal. Specific concerns regarding these issues will be provided under separate cover.

Despite the additional information provided for review identified above, they do not adequately address the concerns raised in our February 7, 2013 letter. EPA continues to be concerned that this project does not satisfy the CWA 404(b)(1) Guidelines (Guidelines), 40 C.F.R. Part 230, which establish the substantive environmental criteria upon which Section 404 permit decisions are based. EPA believes that additional avoidance and minimization efforts should be considered under the Guidelines to reduce the adverse impacts of this proposal, that the anticipated impacts are likely to cause or contribute to significant degradation of waters of the U. S., and that the direct and cumulative impacts of this project, when combined with other past and reasonably foreseeable future projects, will further contribute to significant watershed degradation that will not be sufficiently or effectively compensated for by the proposed mitigation.

Consistent with Part IV, paragraph 3(b), of the 1992 CWA 404(q) MOA between EPA and the Department of the Army, EPA believes that the project, as described in the information provided to EPA, will result in substantial and unacceptable impacts to aquatic resources of national importance. This project would result in significant direct and indirect impacts to many headwater streams, which are important components of the Casselman River Watershed. Most of the stream impacts will occur to headwaters. While some of these streams are already impacted by acid deposition and acid mine drainage, it appears that others contribute to and protect the hydrologic, chemical and biological integrity of downstream waters by providing a number of vital functions and services.

Headwater streams are ecologically important in effecting downstream water quality, including larger streams that may provide important drinking water to communities, and conservation of species, including some endangered aquatic species. Headwater streams hydrological connectivity and resulting flow of water is the primary mechanism providing the physical connections within the stream network and between the network and the surrounding



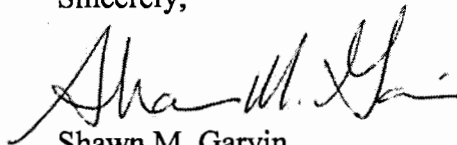
landscape, allowing for the transformation, storage, and export of material to downstream waters. Headwater streams provide important functions including natural flood control, groundwater recharge, and trap sediments and pollutants. In addition, they are an important source of organic matter and nutrients for downstream systems and are a vital source of and help maintain downstream biological diversity.

Degradation in the Casselman River Watershed could also impact the larger Lower Monongahela Watershed (HUC-8). Water quality in the Monongahela River Watershed continues to be a concern. The Pittsburgh District Army Corps of Engineers Watershed Management Branch published a Monongahela River Watershed Initial Watershed Assessment in September 2011 that highlighted concerns including elevated temperatures, reduced dissolved oxygen, elevated iron and sulfate ions, high levels of turbidity and dissolved solids, and contaminated substrates. Impacts to headwater streams, as proposed for this project, will affect the existing hydrologic and biogeochemical processes that are necessary to maintain or even to improve the health and vitality of downstream systems.

In addition, the Casselman River is the only Watershed in the Ohio River drainage where the longnose sucker (*Catostomus catostomus*) has been recently documented. Historically, the fish species has been documented in the Monongahela River drainage of northern West Virginia, western Maryland, and southwestern Pennsylvania. However, the species, which is listed as endangered in Pennsylvania, appears to have been extirpated in both West Virginia and Maryland. The Monongahela River population of longnose sucker appears to be restricted to clear, small to medium-sized streams (Criswell and Fischer 2002), such as those located within the project area. PADOT has not demonstrated that impacts from filling tributaries, wetlands, and riparian areas and the potential water quality degradation from these activities are minimal or unavoidable.

We look forward to working with you to discuss and resolve these important issues. Specific comments regarding the supplemental information provided after January 28, 2013 will be provided under separate cover. If you have any questions, please do not hesitate to contact me or have your staff contact Mr. John R. Pomponio, Director of EPA Region III's Environmental Assessment & Innovation Division, at 215-814-2702.

Sincerely,



Shawn M. Garvin
Regional Administrator

Enclosure

